

**IN THE UNITED STATES DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

IN RE THE COMPLAINT AND PETITION
OF COSTAR SAILING, LLC, AS OWNER,
AND J&J YACHT SERVICES, LLC, AS
OWNER PRO HAC VICE/OPERATOR, OF
THE S/V CARPE AURA, HULL #:
FPA542531819 AND OFFICIAL NO. 1291579,

CASE NO. 3:21-cv-0059

Petitioners,
v.

EDWARD AND CINDY MOREA

Claimants and Third-Party Plaintiffs,
v.

ATLANTIC CRUISING YACHTS, LLC,
FOUNTAINE PAJOT, SA, AND
CONSTANTINE BAKAS,

Third-Party Defendants.

JOINT MOTION TO EXTEND CASE DEADLINES AND TRIAL DATE

Here come, the Parties, and hereby jointly move this Court to extend the case deadlines and trial date in the above captioned matter and adopt the Joint Proposed Revised Deadlines attached hereto as Exhibit A.¹ In support of this motion, the Parties assert the following:

1. This lawsuit involves personal injuries sustained on April 16, 2021 by Claimant and Third-Party Plaintiff, Edward Morea (“Morea”), when an explosion occurred while he was a passenger aboard the S/V Carpe Aura (“Carpe Aura”).
2. Petitioners, Costar and J&J Yacht Services, LLC, filed a Petition for Limitation of Liability on July 13, 2021.

¹ Fountaine Pajot has filed motions to dismiss the Third-Party Complaint of Edward Morea and Cindy Morea and Atlantic Cruising Yachts, LLC’s cross-claims for lack of personal jurisdiction, pursuant to Fed. R. Civ. P. 12(b)(2). Those motions remain pending. Fountaine Pajot joins in this motion while reserving and without waiving its jurisdictional defenses and the aforementioned motions.

3. On October 20, 2021, Mr. Morea and his wife, Cindy Morea filed their Answer, and later, on April 14, 2022, their Consent Motion for Leave to File a Third-Party Complaint was granted.

4. On May 5, 2022, the Third-Party Complaint against Third-Party Defendants Atlantic Cruising Yachts, LLC, Fountaine Pajot, SA and Constantine Bakas was filed.

5. On September 12, 2022, the Court issued a Revised Trial Management Order (Doc. 85) following a Scheduling Conference on the same date.

6. Since September 12, 2022, the Parties have engaged in significant written discovery and document production.

7. The Parties are working to coordinate the scheduling of depositions for the numerous persons located in the United States Virgin Islands as well as the states of New York, Maine, and North Carolina, and France.

8. In order to accomplish the tasks of completing these depositions, the Parties respectfully request that the current discovery and other case deadlines be extended as follows:

- a. Fact Discovery from June 15, 2023 to October 1, 2023.
- b. Mediation from August 15, 2023 to November 15, 2023.
- c. Disclosure of Burden of Proof Experts from July 10, 2023 to December 1, 2023
- d. Disclosure of Responding Experts from September 10, 2023 to January 15, 2024.
- e. All discovery from November 10, 2024 to March 1, 2024.
- f. All dispositive and *Daubert* motions from December 15, 2023 to April 16, 2024.

g. Assignment of new trial date reflective of the above requested extensions, with all other pre-trial deadlines commensurate with the new trial date.

9. The Parties all join in this motion and relief sought. No party will be prejudiced by the relief sought herein.

WHEREFORE, the Parties respectfully request that this Court grant the instant motion, enter an order endorsing the attached Propose Revised Scheduling Deadlines, and enter any additional relief that is fair and just.

Dated: May 12, 2023

Respectfully Submitted by,

/s/ K. Glenda Cameron
K. Glenda Cameron, Esq.
V.I. Bar No. 683
2006 Eastern Suburb, Suite 101
Christiansted, VI 00820
(340) 773-3444 Telephone
(800) 869-0181 Facsimile
kglenda@cameronlawvi.com

/s/ Jacob Shisha
Jacob Shisha, Esq.
Tabak Mellusi & Shisha LLP
29 Broadway
New York, New York
T: (212) 962-1590
F: (212) 385-0920
jshisha@sealwyers.com

*Attorneys for Claimants and Third-Party
Plaintiffs
Edward and Cindy Morea*

/s/ Adam N. Marinelli
Adam N. Marinelli, Esq.
V.I. Bar No. 1294
BOLTNAGI PC
Merchants Financial Center
4608 Tutu Park Mall, Suite 202
St. Thomas, VI 00802-1816
(340) 774-2944 Telephone
(340) 776-1639 Facsimile
amarinelli@vilaw.com

/s/ Justin J. Shireman
Justin J. Shireman, *pro hac vice*
justin.shireman@wilsonelser.com
Wilson Elser Moskowitz
Edelman & Dicker LLP
260 Franklin Street, 14th Floor
Boston, MA 02110-3112
T: (617) 422-5307
F: (617) 423-6917

*Attorneys for Third Party Defendant
Fountaine Pajot, SA*

/s/ Andrew Simpson
Andrew C. Simpson, Esq.
V.I. Bar No. 451
2191 Church St., Ste. 5
Christiansted, VI 00820
(340) 719-3900 Telephone
asimpson@coralbrief.com

Attorney for Petitioners

/s/ C. Jacob Gower
C. Jacob Gower, Esq.
V.I. Bar No. 2103
Gower Legal LLC
1919 Pine Street
New Orleans, LA 70118
Jacob@gowerlegal.com

*Attorney for Third-Party Defendant
Constantine Bakas*

/s/ Matthew J. Duensing
Matthew J. Duensing, Esq.
Law Office of Duensing & Casner
9800 Buccaneer Mall, Bldg. 2, Suite 9
P.O. Box 6785
St. Thomas, VI 00804
(340) 774-6011 Telephone
mduensing@vilawyers.com

/s/ Michael E. Stern
Michael E. Stern, Esq.
Rubin, Fiorella, Friedman, & Mercante
630 Third Avenue, 3rd Floor
New York, NY 10017
(212) 953-2381
mstern@rubinfiorella.com

*Attorneys for Third Party Defendant
Atlantic Cruising Yachts, LLC*

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that a true and exact copy of the foregoing was served on this 12th day of May 2023 through Notice of Electronic Filing (“NEF”) for the following parties and counsel:

Tabak, Mellusi, & Shisha LLP
Jacob Shisha, Esq.
Ralph. J. Mellusi, Esq.
29 Broadway
New York, NY 10006
(212) 962-1590 Telephone
(212) 385-0920 Facsimile

K. Glenda Cameron, Esq.
Christiansted, St. Croix
U.S. Virgin Islands 00820
(340) 773-3444 Telephone

Andrew C. Simpson, Esq.
Andrew C. Simpson, PC
2191 Church St., Ste. 5
Christiansted, VI 00820

C. Jacob Gower, Esq.
GOWER LEGAL LLC
1919 Pine Street
New Orleans, LC 70118

Law Office of Duensing & Casner
Matthew J. Duensing, Esq.
Joseph D. Sauerwein, Esq.
Robin P. Seila, Esq.
9800 Buccaneer Mall, Bldg. 2, Suite 9
P.O. Box 6785
St. Thomas, VI 00804
(340) 774-6011 Telephone

Rubin, Fiorella, Friedman, & Mercante
James E. Mercante, Esq.
Michael Stern, Esq.
630 Third Avenue, 3rd Floor
New York, NY 10017
(212) 953-2381

By: /s/ Justin J. Shireman
Justin J. Shireman, *pro hac vice*